

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>IN RE: FLUIDMASTER, INC., WATER CONNECTOR COMPONENTS PRODUCTS LIABILITY LITIGATION</b>	MDL No. 2575  Honorable Robert M. Dow, Jr.
This Document Relates to:  <i>Rensel, et al., v. Fluidmaster, Inc.</i> , Case No. 14-cv-000648;  <i>Sullivan, et al., v. Fluidmaster, Inc.</i> , Case No. 1:14-cv-05696;  <i>Hardwick v. Fluidmaster, Inc.</i> , Case No. 1:14-cv-00363;  <i>Hungerman, et al. v. Fluidmaster, Inc.</i> , Case No. 2:14-cv-00994;  <i>Wyble v. Fluidmaster, Inc.</i> , Case No. 14-cv-01826;  <i>Larson v. Fluidmaster, Inc.</i> , Case No. 1:14-cv-10222-JWD;  <i>American Select Insurance Co., et al v. Fluidmaster, Inc.</i> , Case No. 8:15-cv-00073;  <i>State Farm Fire &amp; Casualty Co. v. Fluidmaster, Inc.</i> , Case No. 7:15-cv-03874;  <i>State Farm Fire &amp; Casualty Co. v. Fluidmaster, Inc.</i> , Case No. 5:15-cv-00650;  <i>State Farm Fire &amp; Casualty Co. v. Fluidmaster, Inc.</i> , Case No. 7:15-cv-06042;  <i>Allstate Insurance Co. v. Fluidmaster, Inc.</i> , Case No. 1:15-cv-00329;  <i>Farmers Insurance Company of Arizona v.</i>	

<p><i>Fluidmaster, Inc.</i>, Case No. 2:15-cv-1608;</p> <p><i>Truck Insurance Exchange v. Fluidmaster, Inc.</i>, Case No. 3:15-cv-01930;</p> <p><i>Tatnuck Country Club v. Fluidmaster, Inc.</i>, Case No. 4:15-cv-40152;</p> <p><i>Unitrin Auto and Home Insurance Company v. Fluidmaster, Inc.</i>, Case No. 3:15-cv-05856;</p> <p><i>Allstate Insurance Co. v. Fluidmaster, Inc.</i>, Case No. 2:15-cv-06402;</p> <p><i>Kevin Smith v. Fluidmaster Inc.</i>, Case No. 8:15-cv-02173;</p> <p><i>State Farm Fire and Casualty Company v. Fluidmaster, Inc.</i>, Case No. 2:16-cv-00524.</p>
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### **JOINT CMC STATEMENT**

On behalf of Interim Co-Lead Class counsel (“Class Counsel”), counsel for the American Select Plaintiffs, counsel for State Farm, counsel for Allstate, counsel for Farmers, counsel for Unitrin and counsel for Defendant Fluidmaster, Inc. (“Fluidmaster”) (collectively, “Parties”), counsel for Fluidmaster submits this joint status report regarding the following agenda items. Pursuant to this Court’s request, the Parties highlight disputed issues here, and will provide their arguments during the CMC Conference.

- A. Progress on organization of MDL Plaintiffs’ Steering Committee / Liaison Counsel / cost sharing / joint prosecution issues and relationship to pending motions for common benefit fund and for disclosure of memorandum of understanding;**

#### **Plaintiffs’ Position:**

Class Plaintiffs and Subrogation Plaintiffs are in agreement as to the coordination of the litigation between Interim Class Counsel and Subrogation Counsel moving forward. Further,

Interim Class Counsel and Subrogation Counsel, with the assistance of Judge Gilbert, have attempted to negotiate the principal terms of a Joint Prosecution Agreement (“JPA”). At this time, the JPA negotiations are continuing, and if the Plaintiffs’ counsel do not have an agreement as to the JPA by Thursday, March 10, 2016, they will respectfully request that the Court, at its convenience, rule upon the pending motions for common benefit fund or disclosure of the American Select MOU.

**Fluidmaster’s Position:**

Although an MDL has been established to coordinate the pending actions, the lack of any steering committee inhibits the efficient coordination of the cases. As previously stated to this Court, Fluidmaster submits it is prejudiced by the delay of the establishment of a steering committee and requests a ruling regarding the committee as soon as possible.

**B. Time frame for any proposed amendments to the master complaint and answers to claims that were not dismissed;**

Interim Class Counsel and Fluidmaster have agreed that Fluidmaster will answer the Consolidated Class Complaint by April 8, 2016.

**C. Discovery progress;**

The parties continue to work on raising and resolving discovery issues. Interim Class Counsel, Unitrin, Farmers, and Fluidmaster held a telephonic meet and confer on March 7, 2016, to address a number of issues. The parties agreed to continue their discussions on these discovery matters and will seek the Court’s assistance only if no resolution can be reached. As it stands, the following issues are outstanding:

- Amended Answers to Plaintiffs’ First Set of Interrogatories regarding claims data;
- Fluidmaster’s privilege log / Plaintiffs’ request for in-camera review;

- Whether the time limitation of FRCP 30 applies for witnesses that have knowledge of both defects (hose body and coupling nut);
- Fluidmaster's answers to Class Plaintiffs' Class Certification Interrogatories.

In addition, Allstate, State Farm, and Fluidmaster are finalizing their meet and confer process over Fed. R. Civ. Proc 30(b)(6) deposition notices relating to the scope of discovery to Allstate and State Farm concerning Fluidmaster's defenses. Allstate, State Farm, and Fluidmaster will finalize a proposed briefing schedule to address the scope of discovery to Allstate and State Farm.

**D. Developments in California litigation;**

A status conference is scheduled in the case involving Fluidmaster's insurance carriers (*Fluidmaster, Inc. v. Fireman's Fund Insurance Company, et al.*, Los Angeles County Superior Court Case No. BC560372) on March 14, 2016.

A status conference is scheduled for all Fluidmaster matters before Judge Andler on April 13, 2016.

**E. Settlement / mediation prospects; and**

Class Plaintiffs are willing to discuss settlement with Fluidmaster representatives with settlement authority, but do not believe that settlement is likely in the near future, nor do they believe that mediation would be fruitful.

Fluidmaster respectfully believes that settlement issues should not be disclosed in public filings and would be happy to continue to address settlement issues confidentially with Judge Gilbert.

**F. Class certification motion and briefing schedule.**

**Interim Class Counsel's Position:**

Plaintiffs suggest the following briefing schedule for class certification:

Plaintiffs' Motion for Class Certification and accompanying expert reports: April 29, 2016;

Defendant's Opposition to Class Certification and accompanying expert reports and Daubert motions: June 13, 2016 (45 days to allow for expert depositions, if any);

Plaintiffs' Reply in Support of Motion for Class Certification and rebuttal reports and Daubert motions: July 28, 2016 (45 days to allow for expert depositions, if any).

The Court to hold a hearing on Interim Class Counsel's motion on a convenient date.

Interim Class Counsel request the page limits be extended to 35 pages for the Initial Memorandum and Opposition. Interim Class Counsel request 25 pages for their reply.

**Fluidmaster's Position:**

Given Interim Class Counsel's proposed filing date of April 29<sup>th</sup> and given the time already afforded to the putative class and the personal and professional schedules of Fluidmaster's counsel, Fluidmaster requests the below briefing schedule for Class Certification. Fluidmaster also believes that given this Court's rule of 15 pages per brief, that a more limited expansion is appropriate.

Brief	Due Date	Page Limits
Motion for Class Certification and Expert Reports	April 29, 2016	25
Opposition Memo, Expert Reports, & Daubert Motions	June 29, 2016	25
Reply Memo, Rebuttal Reports, & Daubert Motions	August 8, 2016	15

Dated: March 8, 2016

Respectfully submitted,

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

**IN RE: FLUIDMASTER, INC., WATER  
CONNECTOR COMPONENTS PRODUCTS  
LIABILITY LITIGATION**

1:14-CV-10250  
1:14-CV-05696

MDL No. 2575

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **JOINT CMC STATEMENT** is served via electronic transmission to the persons at the electronic email addresses below on March 8, 2016, to the following:

**Tatnuck Country Club v. Fluidmaster, Inc. – U.S. District Court, District of Massachusetts (Worcester) – Case No. 4:15-CV-40152-TSH**

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Dated this 8th day of March, 2016

*Respectfully Submitted,*

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